

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.: 16-20632
Hon. Gershwin A. Drain

DAMON WARD,

Defendant.

**ORDER REQUIRING CLERK OF THE COURT TO TRANSFER
DEFENDANT'S APPLICATION FOR CERTIFICATE OF
APPEALABILITY [#62] TO THE SIXTH CIRCUIT COURT OF APPEALS**

On June 14, 2019, this Court entered an Opinion and Order Denying Defendant Damon Ward's Motion to Vacate Sentence pursuant to 28 U.S.C. § 2255. *See* ECF No. 60. The Court's June 14, 2019 Opinion and Order also declined to issue a Certificate of Appealability concluding that no reasonable jurist could disagree with the Court's determination that counsel was not ineffective for failing to challenge sentence enhancements under U.S.S.G. § 3B1.1 and U.S.S.G. § 2B3.1. *Id.* at PgID 275. Defendant filed a Notice of Appeal on August 9, 2019.

Now before the Court is the Defendant's Application for a Certificate of Appealability, also filed on August 9, 2019. Upon review of the Defendant's

present Application for a Certificate of Appealability, it is evident that the Application was intended to be before the Sixth Circuit Court of Appeals. *Wilson v. U.S.*, 287 F. App'x 490, 494 (6th Cir. 2008) ("If the district judge denies a COA, a request may then be made to a court of appeals . . .").

Accordingly, the Clerk of the Court is ORDERED to transfer Defendant's Application for a Certificate of Appealability [#62] to the Sixth Circuit Court of Appeals.

SO ORDERED.

Dated: September 4, 2019

s/Gershwin A. Drain
HON. GERSHWIN A. DRAIN
United States District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, September 4, 2019, by electronic and/or ordinary mail.

s/Teresa McGovern
Case Manager